

#7

HELLER EHRMAN WHITE & McAULIFFE

ATTORNEYS

A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

4250 EXECUTIVE SQUARE, 7TH FLOOR
LA JOLLA
CALIFORNIA 92037-9103

TELEPHONE: (858) 450-8400
FACSIMILE: (858) 587-5360

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**FACSIMILE COMMUNICATION
IMPORTANT NOTICE**

The information accompanying this facsimile transmission is intended for the use of the recipient named below only. The information may contain confidential information which may be legally privileged. If you have received this facsimile in error, please notify us by telephone immediately to arrange for return of the original documents to us. Any disclosure, copying, distribution or the taking of any action in reliance on the contents of this faxed information is strictly prohibited.

TELECOPIER NO.: (703) 305-3230
TO: Ms. Karen Williams
FROM: Nancy McElrath for Stephanie L. Seidman, J.D., Ph.D.
DATE: January 6, 2000
RE: 24743-2303US

NO. OF PAGES INCLUDING THIS PAGE: 15

Please contact Nancy McElrath at Tel. No. (858) 450-8400 or Fax No. (858) 587-5360 if you DO NOT receive all pages.

Dear Ms. Williams:

Pursuant to our earlier telephone discussion, enclosed is a copy of our response to the Notice of Missing Requirements which we filed on November 2, 1999. We have also enclosed a copy of your Notification of a Defective Response and Notification of a Defective Oath or Declaration. We believe these notifications were sent in error as the second inventor's name and signature were provided in our response filed November 2, 1999. Please send us a confirmation indicating that our understanding is correct.

Thank you for your assistance with this matter.



UNITED STATES DEPARTMENT OF COMMERCE
 Patent and Trademark Office
 Address: ASSISTANT COMMISSIONER FOR PATENTS
 Box PCT
 Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/355705	KOSTER	24743-2303US
		INTERNATIONAL APPLICATION NO.
		PCT/US98/02007
		LA FILING DATE
		PRIORITY DATE
		04 FEB 98
		04 FEB 97
		DATE MAILED: 09 DEC 1999

STEPHANIE SEIDMAN
 HELLER EHRMAN WHITE & MCAULIFFE
 4250 EXECUTIVE SQUARE
 7TH FLOOR
 LA JOLLA, CA 92037

NOTIFICATION OF A DEFECTIVE RESPONSE

1. ☐ The request for an extension of time (37 CFR 1.136(a)) filed _____ is defective because the required fee is missing/insufficient. Extension of time fees are listed at 37 CFR 1.17(a)(1)-(a)(5).
2. ☐ Applicant's response filed _____ was received in the Office on _____, which is after the expiration of the period for response set in the last Office notification mailed _____. This application will become abandoned unless applicant obtains an extension of time to reply to the last Office notification under 37 CFR 1.136(a).

3. ☒ Applicant's response filed 05 NOV 99 included the following items, the receipt of which is hereby acknowledged:

- ☐ Copy of the international application in:
 - ☐ a non-English language.
 - ☐ English.
- ☐ Translation of the international application into English ☐ which is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ Processing fee (37 CFR 1.492(f)) ☐ which is insufficient.
- ☒ Oath or Declaration of inventor(s).
- ☐ in compliance with 37 CFR 1.497(a) and (b).
- ☒ not in compliance with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☐ Surcharge (37 CFR 1.492(e)) ☐ which is insufficient.
- ☐ Copy of Article 19 amendments.
- ☐ Translation of Article 19 amendments into English.
- ☐ The International Preliminary Examination Report in English and its Annexes, if any.
- ☐ Translation of Annexes to the International Preliminary Examination Report into English.
- ☐ Preliminary amendment(s).
- ☐ Information Disclosure Statement(s).
- ☐ Assignment document.
- ☐ Power of Attorney and/or Change of Address.
- ☐ Substitute specification.
- ☐ Verified Statement Claiming Small Entity Status.
- ☐ Priority Document.
- ☐ Other:

DOCKETED: Response
 DUE: 12/31/99
 DROP: 1/9/2000
6/9/2000

4. ☒ All of the requirements set forth in the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905 mailed 21 SEP 99) have not been completed.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements (Form DO/EO/905), whichever is the longer. No extension of this time limit may be granted under 37 C.F.R. § 1.136, but the period for response set in the Notification of Missing Requirements may be extended up to a maximum of five months.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

Enclosed: ☒ PCT/DO/EO/917 ☐ Notice of Defective Translation

Karen Williams *KW*

Telephone: 703-305-3688

FORM PCT/DO/EO/916 (December 1997)

RECEIVED

DEC 14 1999

HEWM-S.D.



UNITED STATES DEPARTMENT OF COMMERCE
 Patent and Trademark Office
 Address: ASSISTANT COMMISSIONER FOR PATENTS
 Washington, D.C. 20231

U.S. APPLICATION NO. 09/355705	FIRST NAMED APPLICANT KOSTER	ATTY. DOCKET NO. H 24743-2303US
STEPHANIE SEIDMAN HELLER EHRMAN WHITE & MCAULIFFE 4250 EXECUTIVE SQUARE 7TH FLOOR LA JOLLA, CA 92037		INTERNATIONAL APPLICATION NO. PCT/US98/02007
		I.A. FILING DATE 04 FEB 98
		PRIORITY DATE 04 FEB 97
DATE MAILED: 99 DEC 1999		

NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371 (c)(4) for entry into the national stage in the United States of America. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A new oath or declaration, identifying this application by the international application number and international filing date is required. The oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

1. ☐ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. ☐ does not identify the specification to which it is directed.
3. ☒ does not identify the inventor(s). SECOND INVENTOR NAME NOT LISTED ON IA.
4. ☐ does not identify the citizenship of each inventor.
5. ☐ does not state the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b) WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the city and state or city and foreign country of residence or each inventor.
2. ☐ does not state that the person making the oath or declaration:
 - a. ☐ has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
 - b. ☐ acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
3. ☐ does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
4. ☐ does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and filing date of the continuation in part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).

Karen Williams

Telephone: 703-305-3688

THE STAMP OF THE U.S. PATENT AND TRADEMARK OFFICE
AFFIXED HERETO WILL BE EVIDENCE OF RECEIPT OF THE
FOLLOWING MAILED 11/2/1999 BY FIRST CLASS MAIL:

CLIENT #: 24743-2303US
ENCLOSURES: COMPLETION OF FILING REQUIREMENTS
(in duplicate); COPY OF FORM
PCT/DO/EO/905; COPY OF FORM
PCT/DO/EO/917; TWO (2) EXECUTED
DECLARATIONS FOR PATENT
APPLICATION; CHECK FOR \$55; and
RETURN POSTCARD.

APPLICANT: KOSTER et al.
INTL APPL NO: PCT/US98/02007 INTL FLG DATE: 2/4/98
US APPL NO: 09/355,705 US FILING DATE: 8/3/99
FOR: A REVERSIBLE STOICHIOMETRIC
PROCESS FOR CONJUGATING
BIOMOLECULES

PLEASE STAMP HERE (THANK YOU):

THE STAMP OF THE U.S. PATENT AND TRADEMARK OFFICE
AFFIXED HERETO WILL BE EVIDENCE OF RECEIPT OF THE
FOLLOWING MAILED 11/2/1999 BY FIRST CLASS MAIL:

CLIENT #: 24743-2303US
ENCLOSURES: COMPLETION OF FILING REQUIREMENTS
(in duplicate); COPY OF FORM
PCT/DO/EO/905; COPY OF FORM
PCT/DO/EO/917; TWO (2) EXECUTED
DECLARATIONS FOR PATENT
APPLICATION; CHECK FOR \$55; and
RETURN POSTCARD.

APPLICANT: KOSTER et al.
INTL APPL NO: PCT/US98/02007 INTL FLG DATE: 2/4/98
US APPL NO: 09/355,705 US FILING DATE: 8/3/99
FOR: A REVERSIBLE STOICHIOMETRIC
PROCESS FOR CONJUGATING
BIOMOLECULES

PLEASE STAMP HERE (THANK YOU):

524 Rec'd PCT/PTO 05 NOV 1999

HELLER EHRMAN WHITE & MCAULIFFE

CHECK NUMBER 0693

10693

18902

INVOICE NUMBER	INVOICE DATE	AMOUNT	DISCOUNT	NET AMOUNT	TOTAL
	11/02/99	55.00		55.00	
PLEASE DETACH BEFORE DEPOSITING					CHECK TOTAL 55.00



IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

Applicant: KÖSTER et al.
US Appl. No.: 09/355,705
US Filing Date: August 3, 1999
Intl. Appl. No.: PCT/US98/02007
Intl. Filing Date: February 4, 1998
For: *A REVERSIBLE
STOICHIOMETRIC
PROCESS FOR
CONJUGATING
BIOMOLECULES*

I hereby certify that this paper and the attached papers are being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Assistant Commissioner for Patents
Box PCT
Washington, D.C. 20231, on this date.

11/2/1999
Date


Stephanie L. Seidman

**COMPLETION OF FILING REQUIREMENTS
FOR INTERNATIONAL APPLICATION ENTERING NATIONAL
STAGE IN U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US)
under 35 U.S.C. § 371**

Assistant Commissioner for Patents
Box PCT
Washington, D.C. 20231

Sir:

In response to the Notice of Missing Requirements under 35 U.S.C. § 371 (Form PCT/DO/EO/905) and Notification of a Defective Oath or Declaration (Form PCT/DO/EO/917) mailed September 21, 1999, the following documents are submitted herewith:

- 1) A copy of the Notice of Missing Requirements (Form PCT/DO/EO/905);
- 2) A copy of the Notification of a Defective Oath or Declaration (Form PCT/DO/EO/917);
- 3) Two (2) executed Declarations for Patent Application;
- 4) A check in the amount of \$55 to cover the one-month extension fee.

It is hereby certified that the above-captioned application filed in the PTO is the application that the inventors executed by signing the attached declarations.

U.S.S.N. 09/355,705**Köster et al.****COMPLETION OF FILING REQUIREMENTS**

- ☒ The Commissioner is hereby authorized to charge any fee, including any submitted herewith if the attached check(s) is in the wrong amount or otherwise improper or missing, that may be due in connection with this and the attached papers, or with this application during its entire pendency to or to credit any overpayment to Deposit Account No. 08-1641. A duplicate of this sheet is enclosed.

Respectfully submitted,
HELLER EHRMAN WHITE & McAULIFFE

By:


Stephanie Seidman
Registration No. 33,779

Atty Docket No. 24743-2303US
Address all correspondence to:
HELLER EHRMAN WHITE & McAULIFFE
4250 Executive Square, 7th Floor
La Jolla, California 92037
Telephone: (858) 450-8400
Facsimile: (858) 587-5360
E-mail: sseidman@HEWM.com

IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

Applicant: KÖSTER et al.
US Appl. No.: 09/355,705
US Filing Date: August 3, 1999
Intl. Appl. No.: PCT/US98/02007
Intl. Filing Date: February 4, 1998
For: **A REVERSIBLE
STOICHIOMETRIC
PROCESS FOR
CONJUGATING
BIOMOLECULES**

I hereby certify that this paper and the attached papers are being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Assistant Commissioner for Patents
Box PCT
Washington, D.C. 20231 on this date.

11/2/1999
Date


Stephanie L. Seidman

**COMPLETION OF FILING REQUIREMENTS
FOR INTERNATIONAL APPLICATION ENTERING NATIONAL
STAGE IN U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US)
under 35 U.S.C. § 371**

Assistant Commissioner for Patents
Box PCT
Washington, D.C. 20231

Sir:

In response to the Notice of Missing Requirements under 35 U.S.C. § 371 (Form PCT/DO/EO/905) and Notification of a Defective Oath or Declaration (Form PCT/DO/EO/917) mailed September 21, 1999, the following documents are submitted herewith:

- 1) A copy of the Notice of Missing Requirements (Form PCT/DO/EO/905);
- 2) A copy of the Notification of a Defective Oath or Declaration (Form PCT/DO/EO/917);
- 3) Two (2) executed Declarations for Patent Application;
- 4) A check in the amount of \$55 to cover the one-month extension fee.

It is hereby certified that the above-captioned application filed in the PTO is the application that the inventors executed by signing the attached declarations.

U.S.S.N. 09/355,705**Köster et al.****COMPLETION OF FILING REQUIREMENTS**

- ☒ The Commissioner is hereby authorized to charge any fee, including any submitted herewith if the attached check(s) is in the wrong amount or otherwise improper or missing, that may be due in connection with this and the attached papers, or with this application during its entire pendency to or to credit any overpayment to Deposit Account No. 08-1641. A duplicate of this sheet is enclosed.

Respectfully submitted,
HELLER EHRMAN WHITE & McAULIFFE

By: 

Stephanie Seidman
Registration No. 33,779

Atty Docket No. 24743-2303US
Address all correspondence to:
HELLER EHRMAN WHITE & McAULIFFE
4250 Executive Square, 7th Floor
La Jolla, California 92037
Telephone: (858) 450-8400
Facsimile: (858) 587-5360
E-mail: sseidman@HEWM.com

DECLARATION FOR PATENT APPLICATION

As below-named inventors, we hereby declare that:

Our residences, post office addresses and citizenships are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

A REVERSIBLE STOICHIOMETRIC PROCESS FOR CONJUGATING BIOMOLECULES

the specification of which

- () is attached hereto.
- () was filed by an authorized person on my behalf on _____ as Application Serial No. ____
- (X) _____ was filed as PCT Application Serial No. PCT/US98/02007 on February 4, 1998, and was amended in a Preliminary Amendment filed herewith.

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

We hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate listed below and so identified, or §365(a) of any PCT international application that designated at least one country other than the United States of America, listed below, and we have also identified below any foreign application for patent or inventor's certificate or PCT international application on this invention filed by us or our legal representatives or assigns and having a filing date before that of the application on which priority is claimed.

<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>	<u>Priority Claimed (Yes or No)</u>
N/A			

We hereby claim benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

<u>Application Serial No.</u>	<u>Filing Date</u>
60/037,165	February 4, 1997

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status</u>
N/A		

PCT Application No.Filing DateStatus

N/A

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

We hereby appoint the following attorneys and agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith and request that all correspondence and telephone calls in respect to this application be directed to Stephanie Seidman, HELLER EHRMAN WHITE AND McAULIFFE, 4250 Executive Square, Suite 700, La Jolla, California 92037:

<u>Attorney</u>	<u>Reg. No.</u>
Stephanie Seidman	33,779
Paula K. Schoeneck	39,362
David A. Hall	32,233
Dale L. Rieger	43,045
Peng Chen	43,543
Gary H. Silverstein	39,372

Address for correspondence:

Stephanie Seidman
HELLER EHRMAN WHITE AND McAULIFFE
4250 Executive Square, 7th Floor
La Jolla, California 92037

Full name of joint inventor:

Hubert Köster

Inventor's signature:

Date:

10/14/99

Residence:

Post Office Address:

Citizenship:

La Jolla, California
8636C Via Mallorca Drive,
La Jolla, California 92037, United States of America
Germany

Full name of joint inventor:

Andreas Ruppert

Inventor's signature:

Date:

Residence:

Post Office Address:

Citizenship:

Germany
Hauptstrasse 10
35400 Linden GERMANY
Germany

DECLARATION FOR PATENT APPLICATION

As below-named inventors, we hereby declare that:

Our residences, post office addresses and citizenships are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

A REVERSIBLE STOICHIOMETRIC PROCESS FOR CONJUGATING BIOMOLECULES

the specification of which

- () is attached hereto.
- () was filed by an authorized person on my behalf on _____ as Application Serial No. ____
- (X) was filed as PCT Application Serial No. PCT/US98/02007 on February 4, 1998, and was amended in a Preliminary Amendment filed herewith.

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

We hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate listed below and so identified, or §365(a) of any PCT international application that designated at least one country other than the United States of America, listed below, and we have also identified below any foreign application for patent or inventor's certificate or PCT international application on this invention filed by us or our legal representatives or assigns and having a filing date before that of the application on which priority is claimed.

<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>	<u>Priority Claimed (Yes or No)</u>
N/A			

We hereby claim benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

<u>Application Serial No.</u>	<u>Filing Date</u>
60/037,165	February 4, 1997

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status</u>
N/A		

Attorney Docket No. 24743-2303US

PCT Application No.Filing DateStatus

N/A

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

We hereby appoint the following attorneys and agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith and request that all correspondence and telephone calls in respect to this application be directed to Stephanie Seidman, HELLER EHRMAN WHITE AND McAULIFFE, 4250 Executive Square, Suite 700, La Jolla, California 92037:

<u>Attorney</u>	<u>Reg. No.</u>
Stephanie Seidman	33,779
Paula K. Schoeneck	39,362
David A. Hall	32,233
Dale L. Rieger	43,045
Peng Chen	43,543
Gary H. Silverstein	39,372

Address for correspondence: Stephanie Seidman
HELLER EHRMAN WHITE AND McAULIFFE
4250 Executive Square, 7th Floor
La Jolla, California 92037

Full name of joint inventor: Hubert Köster

Inventor's signature: _____

Date: _____

Residence: La Jolla, California

Post Office Address: 8636C Via Mallorca Drive,

La Jolla, California 92037, United States of America

Citizenship: Germany

Full name of joint inventor: Andreas Ruppert

Inventor's signature: Andreas Ruppert

Date: Oct. 18, 1999

Residence: Germany

Post Office Address: Hauptstrasse 10

35400 Linden GERMANY

Citizenship: Germany


UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

 Address: ASSISTANT COMMISSIONER FOR PATENTS
 Box PCT
 Washington, D.C. 20231

 09/355,705
 U.S. APPLICATION NO. KOSTER FIRST NAMED APPLICANT 28713-202US

 STEPHANIE SEIDMAN
 HELLER EHRMAN WHITE & MCAULIFFE
 4250 EXECUTIVE SQUARE
 7TH FLOOR
 LA JOLLA CA 92037

5071

DOCKETED:**DUE****DROP**

INTERNATIONAL APPLICATION NO.

PCT/US98/02007

I.A. FILING DATE

02/04/98

PRIORITY DATE

02/04/97

DATE MAILED: 09/21/99

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
☐ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

☐ a non-English language.

☒ English.

☐ Translation of the international application into English.

☐ Oath or Declaration of inventors(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☒ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☐ Preliminary amendment(s) filed _____ and _____.

☐ Information Disclosure Statement(s) filed _____ and _____.

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed _____.

☐ Statement Claiming Small Entity Status.

☐ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☒ Other: IB 307, IB 331

 2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.

☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

- ☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☐ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the hearing and include the U.S. application number above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

 Enclosed: ☒ PCT/DO/EO/917

☐ Notice of Defective Translation

☐ PTO-875

 RECEIVED SLS (December 1997)

Telephone: (703) 305-3693

Darrell Cottman



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

09/355,705

U.S. APPLICATION NO. 09/355,705	FIRST NAMED APPLICANT KOSTER	ATTY. DOCKET NO. H 24743-2303US
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STEPHANIE SEIDMAN
HELLER EHRMAN WHITE & MCAULIFFE
4250 EXECUTIVE SQUARE
7TH FLOOR
LA JOLLA CA 92037

5071

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NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371 (c)(4) for entry into the national stage in the United States of America. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A new oath or declaration, identifying this application by the international application number and international filing date is required. The oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

1. ☒ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. ☐ does not identify the specification to which it is directed.
3. ☐ does not identify the inventor(s).
4. ☐ does not identify the citizenship of each inventor.
5. ☐ does not state the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b) WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the city and state or city and foreign country of residence or each inventor.
2. ☐ does not state that the person making the oath or declaration:
 - a. ☐ has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
 - b. ☐ acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
3. ☐ does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
4. ☐ does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and filing date of the continuation in part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).

Darrell Cottman
Telephone: (703) 365-3693

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